

OFFICIAL GAZETTE

GOVERNMENT OF GOA

NOTE: There is one Extraordinary issue to the Official Gazette, Series I No. 37 dated 12-12-1991 with the date 13-12-91 from Pgs. 419 to 420 regarding Notification from Transport Department.

GOVERNMENT OF GOA

Department of Personnel

ORDER

2/7/78-PER(Vol. III)

Read: Order No. 2/7/77-PER (Vol. II) dated 21-6-1991.

In partial modification of the order cited above the following Departmental Promotion Committee is hereby constituted with immediate effect for all teaching posts in Government colleges under Education Department where approval of University of Goa is required for appointment and all teaching posts in Polytechnics where approval of the Board of Technical Education for regularisation of their services: —

I. Teaching posts other than Principal

- i) Chief Secretary or his nominee — Chairman.
- ii) Secretary (Education) — Member.
- iii) Principal of the College — Member.

Principal

- i) Chief Secretary — Chairman.
- ii) Secretary (Education) — Member.
- iii) Any other Secretary to be nominated by the Chief Secretary — Member.

By order and in the name of Governor of Goa.
G. J. Prabhudessai, Under Secretary (Personnel).
Panaji, 8th August, 1991.

Public Works Department

ORDER

6-1(E)/CE-PWD-Accts/91-92/811

Sub: Rules for accommodation at Circuit House, Altinho, Panaji, Goa.

Sanction of the Government is hereby accorded to frame the rules for Circuit House at Altinho, Panaji, Goa as follows: —

I. Circuit House, Altinho, Panaji, Goa is the property of the Government of Goa. It is primarily

intended to provide accommodation facilities for Officers/Officials of the Government of Goa, Goa Government Public Sector undertakings, Autonomous Bodies, Central/State Government while on duty in Panaji. This facility can also be extended to private people in case of availability of accommodation.

II. Reservation of accommodation shall normally be granted by the Officer in charge of Circuit House against the written request from the Protocol & Hospitality Department of Government of Goa on "the first come first serve" basis and subject to its availability. The management also reserves the right to refuse accommodation to any persons seeking it, without giving any reason, or to ask any of the residents to vacate the rooms/ premises, if found conducting themselves in a manner which is not conducive of general discipline.

III. No person shall be accommodated in Circuit House unless his name has been sponsored as "OFFICIAL" ON DUTY/NOT ON DUTY or "PRIVATE" by the Protocol & Hospitality Department who will indicate the period of stay. Guests who have come such a sponsorship letter will not further bring guests with them unless the request has been covered in the Protocol & Hospitality Departments order in case of family members.

In such cases the person signing the Register will enter the name of the Guest and make full payment for such guests in advance. "OFFICIALS" means Officers/Officials of Government of Goa, Public Sector Undertakings, Autonomous Bodies, Statutory Bodies etc. Officers/Officials of Central/State Government stationed in Goa or outside Goa, Members of Parliament and Members of Legislative Assembly and non Government Servants who are members of the Committees appointed by Government of Goa.

IV. For the purposes of levying charges, 24 hours period shall be counted from the time of occupation of the room.

V. All the residents, on their arrival, shall fill in necessary details in the Register Book and should append their signatures. They are responsible for the authenticity of the statement they make in the Register. Bills are to be paid on presentation by the management, in cash terms, and under no circumstances shall the visitor leave or cause his luggage to be removed from his room before the accounts are finally settled. Private visitors will have to make advance payment.

VI. The management will not be responsible for the loss or damages to the property of the residents or to the injuries of any persons arising due to any cause whatever.

VII. The residents are advised to keep all their personal belonging duly secured at all times and lock up the room while going out. The room key is to be retained on the resident counter. Money and other valuables may, if so desired, be deposited in the office against receipt.

IX. Daily Charges.

Type of Accommodation	Charges while on Official duty/tour	Charges while not on official duty	Private visitors
De-luxe Suite	Rs. 32/- (Single)	Rs. 60/- (Single)	Rs. 200/- (S)
A. C. Suite (Semi De-luxe)	Rs. 64/- (Double)	Rs. 120/- (Double)	Rs. 350/- (D)
A. C. Rooms	Rs. 16/- (Single)	Rs. 60/- (Single)	Rs. 80/- (S)
	Rs. 25/- (Double)	Rs. 100/- (Double)	Rs. 150/- (D)
Non A. C. Rooms	Rs. 6/- (Single)	Rs. 30/- (Single)	Rs. 50/- (S)
	Rs. 12/- (Double)	Rs. 50/- (Double)	Rs. 80/- (D)

3. Entitlement.

- Officers of the rank of Joint Secretary to the Government of India and above will be entitled for A. C. Suites.
- Officers above the rank of Deputy Secretary and below the rank of Joint Secretary to the Govt. of India will be entitled for A/C rooms.
- All other officials will be entitled for non A/C rooms.
- Ministers, MPs and MLAs will be entitled A/C Suites and A/C Rooms depending upon an availability.
- MLAs visiting from outside Goa State will be entitled for non A/C rooms.
- De-luxe suite is reserved only for VVIPs and will be allotted to other persons only with prior approval of Chief Secretary.

Note:

- A Government Officer while on duty may bring his family members and accommodate them in his room at the rate chargeable to him while on duty.
- No charges will be levied for children accompanying the occupant, if they are less than 7 years old. Children above 7 and below 14 will be charged 50% of the rates fixed for single occupants.

Charges of local and trunk calls are directly payable by the concerned residents in cash terms:—
Local Call Rs. 3/- per call. (Subject to revision).

VIII. Dogs and other pet animals shall not be permitted in the premises. Cooking in the rooms shall, under no circumstances, be permitted except with specific permission, in writing from the Officers in charge.

- Children above 14 will be charged the same as the adults.

- The above rates are for 24 hours occupancy. The day is counted from the time of arrival. The period of maximum continuous stay allowed will be 8 days and thereafter which the charges will be doubled and after 30 days charges as per charges fixed for Private Visitors, unless there are specific orders from the Government to the contrary. No rebate on daily charges will be admissible for not availing of the services contemplated above, or for occupation or room on long term basis, or in case of breakdown of any of the services.

In case of additional mattresses the charges per mattress shall be Rs. 10/- per day.

The above rules and rates shall come into force with immediate effect.

This issues with the concurrence of Protocol and Hospitality Department, Secretariat-Panaji, vide Letter No. 5/10/81-P&HD (PF) dated 26-11-1991.

By order and in the name of the Governor of Goa.

C. G. Hede, Chief Engineer/P.W.D. and Ex-Officio Addl. Secretary to the Government of Goa.

Panaji, 6th December, 1991.

Legislature Department

Notification

LA/A/2860/91

In pursuance of Rule 263 of the Rules of Procedure and Conduct of Business of Goa Legislative Assembly the following documents which were laid on the Table of the House of Goa Legislative Assembly on 11th December, 1991 are declared to be published for general information.

- Finance Accounts for the period from 1.4.1987 to 29.5.87

- Appropriation Accounts for the period from 1.4.1987 to 29.5.1987.

- Report of the Comptroller and Auditor General of India for the period from 1.4.1987 to 29.5.1987 in respect of former Union Territory of Goa, Daman and Diu.

Secretariat

M. M. Naik

Panaji, 11th December, 1991. Secretary, Legislature

LA/B/2840/1991

The following Bill which was introduced in the Legislative Assembly of Goa on 11-12-91 is hereby published for general information in pursuance of the provisions of Rule-136 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

Panaji, 12th December, 1991.

**The Goa Buildings (Lease, Rent and Eviction) Control
(Amendment) Bill, 1991**

(Bill No. 17 of 1991)

A

BILL

*further to amend the Goa, Daman and Diu Buildings
(Lease, Rent and Eviction) Control Act, 1968.*

Be it enacted by the Legislative Assembly of Goa in the Forty-second Year of the Republic of India as follows: —

1. Short title and commencement. — (1) This Act may be called the Goa Buildings (Lease, Rent and Eviction) Control (Amendment) Act, 1991.

(2) It shall come into force at once.

2. Amendment of section 30. — In section 30 of the Goa, Daman and Diu Buildings (Lease, Rent and Eviction) Control Act, 1968 (Act 2 of 1969), for sub-section (2), the following sub-section shall be substituted, namely: —

“(2) No order for recovery of possession under this section shall be passed, unless the landlord gives an undertaking that the building on completion of the repairs, alterations or additions, or the new building on its completion, will be offered to the tenant who delivered possession in pursuance of an order under sub-section (1), for his reoccupation before the expiry of such period as may be specified by the Controller in this behalf, and unless the landlord provides temporary alternative premises to the tenant, when the order for recovery of possession is under clause (b) of sub-section (1):

Provided that the alternative premises referred to above shall be given in the case of a residential tenancy, within the city or village area as the case may be, wherein the building is situated and in the case of non-residential tenancy, within a radius of 500 metres of the commercial area where the building is situated and when no such alternative premises are available within such commercial area, the landlord shall pay such compensation as may be fixed by the Controller to the tenant for the loss suffered by him until the new building on its completion is offered to the tenant for his re-occupation:

Provided further that such compensation shall be fixed by the Controller after giving due notice to the landlord and after holding such enquiry as may be prescribed.”

Statement of Objects and Reasons

It has been brought to the notice that there is a growing tendency among the landlords to demolish the rented buildings which are in good conditions, merely for the purpose of earning profits. As a result, the tenants residing or carrying on business in the building are forced to search alternative accommodation. The tenants carrying on business are most affected, and when they are given alternative accommodation in an altogether different locality, they suffer loss in their business. Need is therefore felt to protect the interest of the tenants, making it obligatory upon the landlords to arrange for temporary alternative accommodation to the tenants in case of residential tenancy within the city or village area where the building is situated, and in case of commercial tenancy, within a radius of 500 metres of the commercial area where the trade of the tenant is being carried and when such premises are not available, to pay to the tenant sufficient compensation for loss suffered by him on account of any loss of his business.

By the proposed amendment, no such obligation is sought to be imposed upon the landlord when the building is required by the landlord under clause (a) of sub-section (1) of section 30, for carrying out repairs, alterations or additions which cannot be carried out without the building being vacated.

Financial Memorandum

No financial implications are involved in this Bill.

Memorandum Regarding Delegated Legislation

No delegated legislation is envisaged in this Bill.

Panaji,
19th November, 1991.

SHANKAR K.
SALGAONKAR
Minister for Revenue

Assembly Hall,
Panaji,
5th December, 1991.

M. M. NAIK
Secretary to the Legislative
Assembly of Goa

(Annexure to Bill No. 17 of 1991)

**The Goa Buildings (Lease, Rent and Eviction) Control
(Amendment) Bill, 1991**

**The Goa, Daman and Diu Buildings (Lease, Rent and
Eviction) Control Act, 1968
(Act 2 of 1969)**

30. Recovery of possession by landlord for repairs, alterations or additions or for reconstruction. — (1) Notwithstanding anything in this Act, on an application made by a landlord, the Controller may, if he is satisfied —

(a) that the building is reasonably and bonafide required by the landlord for carrying out repairs, alterations or additions, which cannot be carried out without the building being vacated: or

(b) that the building consists of not more than two floors and is reasonably and bonafide required by the landlord for the immediate purpose of demolishing it and such demolition is to be made for the purpose of erecting a new building on the site of the building sought to be demolished, pass an order directing the tenant to deliver possession of the building to the landlord before a specified date.

(2) No order for recovery of possession under this section shall be passed, unless the landlord gives an undertaking that the building on completion of the repairs, alterations or additions, or the new building on its completion, will be offered to the tenant, who delivered possession in pursuance of an order under sub-section (1) for his reoccupation before the expiry of such period as may be specified by the Controller in this behalf.

(3) In the event of the landlord failing to make the offer in accordance with the said undertaking the Controller shall, on an application made by the tenant within one month after the expiry of the period specified under sub-section (2), make an order directing the landlord to deliver possession of the building to the tenant.

(4) The tenant on reoccupation of the building or occupation of the new building as the case may be, shall be subject to the following conditions, namely:—

(a) that he shall pay to the landlord the fair rent in respect of the building, provided that, in respect of the residential building, the tenant concerned shall not be required to pay a rent in relation to the area, of more than double the rate at which he paid the rent for his former building immediately before delivering possession under sub-section (1);

(b) that his reoccupation of the building or occupation of the new building as the case may be, shall, save as provided in condition (a) above, be on the same terms and conditions on which he occupied the building before the delivery of the possession under sub-section (1).

(5) In case the tenant to whom the building or the new building, as the case may be, is offered under sub-section (2) by the landlord does not want to occupy it, the landlord shall give notice of vacancy in writing to the authorised officer under sub-section (1) of section 4.

(6) Nothing in this section shall entitle a landlord who has recovered the possession of the building for repairs, alterations or additions or for re-construction to convert a residential building into a non-residential building or a non-residential building into a residential building, unless such conversion is permitted by the Controller at the time of passing an order under Sub-Section (1).

Assembly Hall,
Panaji,
5th December, 1991.

M. M. NAIK
Secretary to the Legislative
Assembly of Goa

LA/B/2841/1991

The following Bill which was introduced in the Legislative Assembly of Goa on 11-12-91 is hereby published for general information in pursuance of the provisions of Rule-136 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

Panaji, 12th December, 1991.

The Goa (Brackish Water) Fish Farming Regulation Bill, 1991

(Bill No. 18 of 1991)

A BILL

to regulate and promote scientific fish farming in brackish water land in the State of Goa.

Be it enacted by the Legislative Assembly of Goa in the Forty-second Year of the Republic of India as follows:—

1. *Short title, extent and commencement.*— (1) This Act may be called the Goa (Brackish Water) Fish Farming Regulation Act, 1991.

(2) It shall extend to the whole of the State of Goa.

(3) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint.

2. *Definitions.*— In this Act, unless the context otherwise requires,—

(a) “agriculture” shall have the same meaning as assigned to it under the Goa, Daman and Diu Agricultural Tenancy Act, 1964 (Act 7 of 1964);

(b) “appointed day” means the date of coming into force of this Act;

(c) “brackish water land” means any land inundated with or prone to inundation by salt water and or where no agricultural activity has been carried on for the last five years immediately preceding the appointed day;

(d) “licensing authority” means an authority empowered by the Government to issue licences for the purposes of this Act;

(e) “Government” means the Government of the State of Goa;

(f) “prescribed” means prescribed by rules made under this Act;

(g) “Tribunal” means the Administrative Tribunal constituted under the Goa, Daman and Diu Administrative Tribunal Act, 1965 (Act 6 of 1965).

3. *Prohibition of fishing or fish farming.*— Notwithstanding any custom, usage, law or contract to the contrary, no fishing or fish farming activities shall be undertaken or carried on in any brackish water land except in accordance with a licence issued under this Act:

Provided that, if any fishing or fish farming activity is being carried on by any person in any such land on the appointed day, whether by usage or custom or contract, such person shall, within three months from the appointed day, obtain a licence in accordance with the provisions of this Act.

4. *Licence for fishing or fish farming.*— (1) An application for grant of licence under section 3 shall be made to the licensing authority in such form and on payment of such fee as may be prescribed.

(2) On receipt of an application under sub-section (1), the licensing authority shall,—

(a) conduct such inquiry as it deems fit to establish the nature of the right of the applicant over the land and for this purpose, may require the applicant to produce such documents as it deems necessary;

(b) obtain such reports as it deems necessary from the Directorates of Agriculture and Fisheries of the Government;

(c) cause a survey to be made to ensure that no damage is likely to be caused to any residential house or a drinking water source by fish farming activities on the brackish water land.

(3) If, after inquiry, the licensing authority is of the opinion that the applicant should be granted

the licence, it shall grant the licence in such form and subject to such conditions as may be prescribed.

(4) If, after inquiry, the licensing authority is of the opinion that the application should be rejected, it shall communicate the grounds for such rejection and also give the applicant an opportunity of being heard, before passing any order.

5. *Penalties.* — Whoever contravenes the provisions of section 3 or any of the conditions subject to which a licence has been granted under section 4, shall, on conviction, be punishable with fine which may extend to one thousand rupees and when the contravention is a continuous one, with a further fine which may extend to five hundred rupees for every day during which such contravention is continued or continues.

6. *Appeal.* — Any person aggrieved by an order made under section 4 may, within such time and in such manner as may be prescribed, appeal to the Tribunal.

7. *Power to make rules.* — (1) The Government may by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely: —

- (a) the form of application for grant of licence;
- (b) the fee to be paid for grant of licence;
- (c) the form of licence;
- (d) the conditions governing the grant of licence;
- (e) any other matter which is required to be, or may be, prescribed.

Statement of Objects and Reasons

Present global trade in Prawns (Shrimps) is estimated to be worth 7 billion dollars which is expected to grow to 10 billion dollars in the near future. To meet this overwhelming demand, a new frontier has been opened in the form of coastal aquaculture. Within the last 10 years, more than 7 lakhs Ha. have been developed all over the world with an annual production of 560,000 tonnes.

Prawn farming has been found to be one of the most profitable professions of the day because of the short duration of crop, quick turn over and best return on investment. Return on prawn farming has been estimated to be upto 50 times of agriculture. 1 Ha. farm run on scientific lines could earn a net profit of Rs. 4/- to 5 lakhs. Half an acre farm is enough to generate daily bread for one family. In addition, prawn farming has a tremendous employment potential in the rural areas. 1 Ha. farm can provide employment to about 4-6 persons on a continuous basis.

Realising the potential for its growth in India, the Government of India is laying great stress on brackish water aquaculture. Goa has roughly about 18,000 Ha. of low lying paddy fields 'Khazan lands'. Of this about 3,500 Ha. are lying fallow without any productive use. This marshy land is ideally suited for brackish water prawn farming.

Most of the above mentioned marshy brackish water area is recorded as agricultural land. Therefore, no other activity including fish farming can be taken up there. For the promotion of prawn farming in such lands, it is essential to provide for enabling powers for licensing of fish farming activities on such lands.

This Bill seeks to achieve the above object.

Financial Memorandum

The Bill seeks to regulate and control fish farming in brackish water in this State by way of licensing. The licensing authority will be in a position to generate its own income by way of registration fee, lease fee, fines, etc. and be in a position to run on its income without any Government assistance.

Memorandum Regarding Delegated Legislation

Clause 1(3) of the Bill seeks to empower the Government to appoint, by notification in the Official Gazette, a date on which the Act shall come into force.

Also, clause 2 (d) of the Bill enables the Government to empower an authority to issue licences for the purpose of the Act and clause 7 of the Bill enables the Government to make rules for giving effect to the provisions of the Act.

These delegations are of normal character.

RATNAKAR M. CHOPDEKAR

Minister for Fisheries

Panaji,
29th November, 1991.

Assembly Hall,
Panaji,
5th December, 1991.

M. M. NAIK
Secretary to the Legislative
Assembly of Goa

LA/B/2842/1991

The following Bill which was introduced in the Legislative Assembly of Goa on 11-12-91 is hereby published for general information in pursuance of the provisions of Rule-136 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

Panaji, 12th December, 1991.

The Goa Prevention of Defacement of Property (Amendment) Bill, 1991

(Bill No. 19 of 1991)

A

BILL

to amend the Goa Prevention of Defacement of Property Act, 1988.

Be it enacted by the Legislative Assembly of Goa in the Forty-second Year of the Republic of India as follows: —

1. *Short title, extent and commencement.* — (1) This Act may be called the Goa Prevention of Defacement of Property (Amendment) Act, 1991.

(2) It extends to the whole of the State of Goa.

(3) It shall come into force at once.

2. **Amendment of section 2.** — In clause (f) of section 2 of the Goa Prevention of Defacement of Property Act, 1988 (Goa Act 5 of 1990), for the words "except at specified places", the words "except at places specified by the Government or local authority from time to time" shall be substituted.

Statement of Objects and Reasons

It is proposed to amend clause (f) of section 2 of the Goa Prevention of Defacement of Property Act, 1988, so as to provide alternate sites for advertisements and publicity.

This Bill seeks to achieve the above object.

Financial Memorandum

No financial implications are involved in the Bill as its provisions will be implemented by the existing machinery.

Memorandum Regarding Delegated Legislation

Clause 2 of the Bill seeks to amend clause (f) of section 2 of the Goa Prevention of Defacement of Property Act, 1988 so as to empower the Government or local authority to specify from time to time, the places for the purpose of advertisement and publicity.

This delegation is of normal character.

Panaji, DR. CARMO R. PEGADO
5th December, 1991. Minister for Urban Development

Assembly Hall, M. M. NAIK
Panaji, Secretary to the Legislative
5th December, 1991. Assembly of Goa

(Annexure to Bill No. 19 of 1991)

The Goa Prevention of Defacement of Property (Amendment) Bill, 1991

The Goa Prevention of Defacement of Property Act, 1988
(Act 5 of 1990)

2. **Definitions.** — In this Act, unless the context otherwise requires, —

(f) 'property' includes any building, hut, monument, statue, water pipe line, public road, structure, wall including compound wall, tree, fence, post, pole or any other erection except at specified places;

Assembly Hall, M. M. NAIK
Panaji, Secretary to the Legislative
5th December, 1991. Assembly of Goa

LA/B/2843/1991

The following Bill which was introduced in the Legislative Assembly of Goa on 11-12-91 is hereby published for general information in pursuance of the provisions of Rule-136 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

Panaji, 12th December, 1991.

The Goa Industrial Development (Amendment) Bill, 1991

(Bill No. 20 of 1991)

A

BILL

further to amend the Goa, Daman and Diu Industrial Development Act, 1965.

Be it enacted by the Legislative Assembly of Goa in the Forty-second Year of the Republic of India as follows: —

1. *Short title and commencement.* — (1) This Act may be called the Goa Industrial Development (Amendment) Act, 1991.

(2) It shall be deemed to have come into force on the 21st day of November, 1991.

2. *Amendment of section 37A.* — For the proviso to clause (c) of sub-section (1) of section 37A of the Goa, Daman and Diu Industrial Development Act, 1965 (Act 22 of 1965) (hereinafter referred to as the 'principal Act'), the following proviso shall be substituted, namely: —

"Provided that the Municipalities and the Village Panchayats which were receiving house tax from the occupants in the industrial estates under their respective laws, shall be compensated by the Government to the extent of the last financial year's collection of taxes for such period as may be determined by the Government, which shall not be less than five years."

3. *Amendment of section 55.* — In section 55 of the principal Act, for the words "any other law", the words and figures "the Goa, Daman and Diu Municipalities Act, 1968 (Act 7 of 1969) and the Goa, Daman and Diu Village Panchayats Regulation, 1962 (Regulation No. 9 of 1962)" shall be substituted.

4. *Repeal and saving.* — (1) The Goa Industrial Development (Amendment) Ordinance, 1991 (Ordinance No. 2 of 1991), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.

Statement of Objects and Reasons

The Goa Industrial Development (Amendment) Ordinance, 1991 (Ordinance No. 2 of 1991), was promulgated by the Governor of Goa in order to

amend section 37A of the Goa, Daman and Diu Industrial Development Act, 1965 so as to provide compensation to the Municipalities and the Village Panchayats which were receiving house tax from the occupants in the Industrial estates under their respective laws for such period as may be determined by the Government which shall not be less than 5 years and also to amend section 55 of the Act, 1965 so that the provisions of the said Act, 1965, shall have effect notwithstanding anything inconsistent therewith contained in the Goa, Daman and Diu Village Panchayats Regulation, 1962 and the Goa, Daman and Diu Municipalities Act, 1968.

This Bill seeks to replace the said Ordinance No. 2 of 1991.

Financial Memorandum

No financial implications are involved in this Bill.

Memorandum on Delegated Legislation

No delegated legislation is envisaged in this Bill.

Panaji,
4th December, 1991.

SURESH PARULEKAR
Minister for Industries

Assembly Hall,
Panaji,
6th December, 1991.

M. M. NAIK
Secretary to the Legislative
Assembly of Goa.

Annexure to Bill No. 20 of 1991

The Goa, Industrial Development (Amendment) Bill, 1991

The Goa, Daman and Diu Industrial Development Act, 1965
(Act, 22 of 1965)

37. Overriding powers of Government to issue directions to local authorities. — Notwithstanding anything contained in any other law, or in any licence or permit if the State Government is satisfied either on a recommendation made in this behalf by the Corporation or otherwise, that the setting up of an industrial undertaking (whether within an industrial area or outside) is impeded by a local authority's refusal to grant, or by such authority's insistence on conditions which the State Government considers unreasonable for the grant of, any amenity, the State Government may direct the local authority to grant the said amenity on such conditions as it may consider fit; and thereupon the amenity shall be granted:

Provided that, the charge to be paid for granting or continuing such amenity to the local authority concerned is not less than the cost to the local authority or licensee concerned for providing such amenity;

Provided further that, no such directions shall be issued by the State Government unless the local authority shall have been given a reasonable opportunity to show cause why any such direction should not be made.

37A. Declaration as industrial area. — (1) Notwithstanding anything to the contrary contained in any other law for the time being in force, the State Government may, by notification in the Official Gazette —

(a) declare an industrial area which is —

(i) earmarked as industrial estate; and

(ii) having adequate facilities in respect of power, roads, water supply, to be notified area;

(b) appoint the Corporation or any Officer or Committee thereof for the purpose of the assessment and recovery of any taxes when imposed as per the provisions made thereof;

(c) declare that the provisions of any law relating to local authorities providing for Control or erection of buildings, levy and collection of taxes, fees and other dues to the local authority which is in force in that area shall cease to apply and thereupon such provisions shall cease to apply thereof;

Provided that

Only the Village Panchayats which were receiving house tax under the Village Panchayats Regulation from the occupants in the industrial estates shall be compensated, by the Government to the extent of the last financial year's collection of taxes for such period which will not be less than five years.

(d) Make other provision as is necessary for the purpose of the enforcement of the provision so provided to that area.

(2) Before the publication of a notification under Sub-section (1), the Government shall cause to be published in the Official Gazette and also in at least one newspaper published in a language other than English and circulating in the area to be specified in the notification, and inviting all persons who entertain any objections to the said proposal to submit the same in writing with reasons therefor to the Government within two months from the date of publication of the proclamation in the Official Gazette.

(3) No such notification under sub-section (1) shall be issued by the Government, unless the objections, if any, so submitted under sub-section (2) are in its opinion insufficient or invalid.

55. Act to have overriding effect. — The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law.

M. M. NAIK
Assembly Hall,
Panaji, 6th December, 1991. Secretary to the Legislative
Assembly of Goa

LA/B/2844/1991

The following Bill which was introduced in the Legislative Assembly of Goa on 11-12-91 is hereby published for general information in pursuance of the provisions of Rule-136 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

Panaji, 12th December, 1991.

The Goa Motor Vehicles (Taxation on Passengers and Goods) Bill, 1991

(Bill No. 21 of 1991)

A

BILL

to provide for revised composition fee under the Goa, Daman and Diu Motor Vehicles (Taxation on Passengers and Goods) Act, 1974.

Be it enacted by the Legislative Assembly of Goa in the Forty-second Year of the Republic of India as follows: —

1. Short title and commencement. — (1) This Act may be called the Goa Motor Vehicles (Taxation on Passengers and Goods) Act, 1991.

(2) It shall be deemed to have come into force on the first day of January, 1991 and shall be valid till the 31st day of December, 1992.

2. *Composition fee.* — Notwithstanding anything contained in the Schedule to the Goa, Daman and Diu Motor Vehicles (Taxation on Passengers and Goods) Act, 1974, from the first day of January, 1991 to 31st day of December, 1992, —

(i) in the case of a stage carriage, the composition fee referred to in section 14 shall be calculated for the entire unexpired period of the currency of permit or for a period of one month whichever is less, at the rate of one rupee and fifty-five paise per seat, per year, per kilometre of the total daily kilometres permitted or at the option of the operator, twenty-five rupees per seat, per month;

(ii) Where the stage carriage is permitted to carry standing passengers, one third of the fee per seat referred to in (i) above, shall also be payable in respect of each of the standing passengers aforesaid as if sitting accommodation has been provided for them.

3. *Repeal and saving.* — (1) The Goa Motor Vehicles (Taxation on Passengers and Goods) Ordinance, 1991 (Ordinance No. 1 of 1991) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken in exercise of any power conferred by or under the said Ordinance shall be deemed to have been done or taken in the exercise of the powers conferred by or under this Act as if this Act were in force on the day on which such thing or action was done or taken.

Statement of Objects and Reasons

The Goa Motor Vehicles (Taxation on Passengers and Goods) Ordinance, 1991 (Ordinance No. 1 of

1991), was promulgated by the Governor of Goa so as to provide for revised composition fee under the Goa, Daman and Diu Motor Vehicles (Taxation on Passengers and Goods) Act, 1974 on account of steep rise in the price of chassis and other accessories including POL.

This Bill seeks to replace the said Goa Motor Vehicles (Taxation on Passengers and Goods) Ordinance, 1991 (Ordinance No. 1 of 1991).

Financial Memorandum

The proposed composition fee at the rate of Rs. 25 per seat per month will result in a net loss of Rs. 40.00 lakhs per annum.

Memorandum on Delegated Legislation

No delegated legislation is envisaged in this Bill.

Panaji,
5th December, 1991

PANDURANG RAUT
Minister for Transport

Assembly Hall,
Panaji,
6th December, 1991.

M. M. NAIK
Secretary to the Legislative
Assembly of Goa.

Governor's recommendation under article 207 of the Constitution:

In pursuance of clause (1) and (3) of article 207 of the Constitution, the Governor of Goa has recommended to the Legislative Assembly of Goa, the introduction and consideration of "The Goa Motor Vehicles (Taxation on Passengers and Goods) Bill, 1991".